

REMARKS

Claim Status

Claims 1-5, 12 and 14-16 are pending in this application, of which claims 1, 6, 12, 17 and 21 being independent. Claims 6-11 and 17-21 have been withdrawn.

Claims 1 and 12 have been amended to correct informalities in the claim language and to more clearly define the present subject matter. Support for the amendment is found, for example, at the paragraph beginning on page 4, line 15 of the specification. No new matter has been added.

Patentability under 35 U.S.C. § 103

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Publication No. 2003/0039603 (Meng). Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meng in view of Swain as applied to claim 1, and further in view of WO 2004/046062 ("Akaishi"). Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Us Patent No.: 3,148,161 (Wentorf) in view of Swain. Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wentorf and further in view of Swain as applied to claim 1, and further in view of Akaishi. Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Meng. Claims 13-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Meng as applied to claim 12 above, and further in view of Swain and further in view of Akaishi and further view of Bernard ("Non Destructive Determination of the Boron Concentration of heavily doped metallic Diamond Thin Films from Raman Spectroscopy"). Applicant respectfully traverses these rejections for at least the following reasons.

Regarding independent claims 1 and 12, Applicant respectfully submits that none of the cited references disclose or suggest that the high-hardness conductive diamond polycrystalline body is obtained by directly converting a graphite-type carbon material including boron into diamond *without adding a sintering aid and catalyst*. In Meng, as disclosed at paragraph [0022], catalyst/solvent metals (i.e., sintering aid) are used in HP/HT processing. In Wentorf, nickel is used as a catalyst in all of the examples. Swain does not disclose direct conversion of graphite-type carbon material including boron into diamond. Accordingly, the combination of Meng or Wentorf with Swain does not render claims 1 or 12 obvious. The remaining cited references do not cure the deficiency of Meng, Wentorf and Swain.

Further, as set forth above, Swain is not directed to the method of direct conversion of graphite-type carbon material including boron into diamond, but is directed to a CVD method for producing diamond (see, paragraph [0033]). Thus, no one of skill in the art would combine Swain with Meng or Wentorf which are directed to the direct conversion method because the production processes of diamond are completely different. In fact, it would be impossible to combine such different production processes.

Based on the foregoing, Applicant respectfully submits that claims 1 and 12 and all claims dependent thereon are patentable over the cited references. Thus, it is requested that the Examiner withdraw the rejections of claims 1-5 and 12-16 under 35 U.S.C. § 103(a).

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Takashi Saito
Limited Recognition No. L0123

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS/TS/lhg
Facsimile: 202.756.8087
Date: October 13, 2010

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